BESTIALITY

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One of the fascinations of our work as Police Surgeons is that although much of it is routine and sometimes dull, we are, from time to time, confronted with the unusual and even with the bizarre. This happened to me one evening several years ago when I was at a School Parents Association dance, enjoying a quiet drink at the bar with a Chief Inspector of Police. I was called to the telephone and requested to attend a distant Police Station and there examine a young man alleged to have committed an unnatural offence with a cow called " Pride of Hanningfield ". It is as a result of that case, to which I shall return later, that I am here today addressing the Conference on the subject of bestiality.

Bestiality is the term applied to sexual intercourse between a person and an animal, whether by anus or vagina; it is applied to any kind of intercourse and can be committed either by a man or by a woman. Proof of penetration is required for conviction but failing such proof a person can be convicted of attempt or of indecent assault. Incitement to commit is also an offence and in R. *v.* Bourne(1) in 1952 a man who, on two occasions, compelled his wife in his presence to have intercourse with an Alsatian dog, was convicted of aiding and abetting her to commit buggery (at that time the term 'buggery' was used to include other unnatural offences). The wife was not charged with any offence but in the Court of Criminal Appeal it was assumed that (had she been charged) she was entitled to be acquitted.

Bestiality is an offence under Section 12 of the Sexual Offences Act 1956 as amended by Section 3(1) of the Sexual Offences Act 1967 and it carries a maximum sentence of life imprisonment.

The possible severity of the punishment is an indication of the abhorrence with which the offence is regarded and this is a reflection of attitudes throughout history. The taboos were well established in the Old Testament and in the Talmud.

The Hittite code was, in regard to punishment, generally milder than other codes of law especially with regard to sexual offences. Bestiality was a notable exception and it was decreed that " if a man lie with a cow the punishment is death; if a man lie with a hog or a dog he shall die ". But it goes on to rule that " if a bull rear upon a man, the bull shall die but the man shall not ". " If a boar rear upon a man there is no penalty and if a man lie with a horse or a mule there is no penalty, but he shall not come near the King and he shall not become a priest ".

Professor Cameron in a paper on Forensic Medicine and the Bible(2) refers to a belief that it was because Adam was guilty of erotic acts, particularly with animals, that the Creator, greatly displeased, created Eve as a diversion. Be that as it may, there are many references in the Bible to bestiality, emphasising the abhorrence with which it was regarded and the severe penalties incurred by the offender. Thus in Leviticus(3) " A man that lends his bed for cohabitation with an animal shall be killed and the animal also killed ". " A woman that approaches an animal to mate shall be stoned to death, the animal as well " (4) and in Exodus(5) " All that cohabit with an animal shall be put to death ".

The Talmud(6) contains similar recommendations and goes further, forbidding a female to be alone with an animal lest she have sexual contact with it.

Incidence

As with other sexual offences, the true incidence is very difficult, if not impossible, to establish and all that can be said with confidence is that it far exceeds that which is reported. Neither the Statistics Section

of my Police Force, or that of the Home Office was able to provide me with any figures either for prosecutions or for cases reported; the reason being that for statistical purposes, bestiality is grouped with other offences covered by Section 12 of the Sexual Offences Act, namely buggery with a boy under the age of 16, or with a woman, and it was not possible to separate them in the records. In the case of my own force the Chief Constable questioned his senior officers and none could recall a single case. Again at the Metropolitan Police Forensic Laboratory, such cases are so infrequent that they are not separately listed and so are difficult to trace. Nevertheless Frances Lewington very kindly conducted a search and was able to trace just two cases—one involving a black labrador dog in 1969 and the other, an Old English sheepdog in 1978. Very little has been written on the subject in this country. A review of the Index Medicus reveals that nothing at all has been written in the English language in the past ten years and textbooks of psychiatry and forensic medicine make little contribution. It is, therefore, difficult to assess the extent to which bestiality exists in present day cultures, but such studies as have been undertaken suggest that it is not uncommon.

Kinsey(8) found that 8 per cent of males in his survey had had sexual experience with animals, the majority in adolescence and usually only on one or two occasions. Not surprisingly there was a much higher incident in farming communities where it rose as high as 65 per cent with an average of 17 per cent. In most cases, he regarded it as a passing phase in a normal sexual development, the contact with animals being a substitute for heterosexual human relationships which were not available.

Kinsey(9) found that animal sexual contacts were much less common in the female—only 3.6 per cent in a sample population of 6,000 young adults and 1.5 per cent in a similar sample of pre-adolescents had had some sort of sexual relationship with animals. He found only one example of coitus betwen an animal and a woman.

It is of interest to note that while there are relatively few references to bestiality offences involving women, either in the legal codes or in the various surveys which have been carried out, they occur frequently in classical literature and in mythology—witness the Noble-woman and the Ass in the Golden Ass and Leda and her swan.

Participants

Once again the absence of statistics makes it difficult to identify the type of person likely to become involved but such information as is available suggests four categories:

The first, and probably the largest, group is the experimenters—usually adolescents or young adults seeking sexual gratification or knowledge which they are unable to obtain in more conventional ways. This brings me back to the case to which I referred earlier. It involved a schoolboy aged 15 and a Jersey cow. The boy had been observed by the farmer's wife lying over the back of the cow and on dismounting he was seen to be doing up his fly buttons. She was somewhat indignant —the farmer's wife, not the cow—and informed the Police.

When I spoke to him he admitted the attempt but denied penetration and indeed there was no evidence of this. He told us that after attending sex instruction lessons at school he had become curious, and, more important, frustrated. He had attempted to enlist the services of several girls of his acquaintance to help him with his homework but had been rejected. He had observed cattle on the farm behaving in an interesting manner and this led him to approach Pride of Hanningfield, unfortunately for him under the watchful eye of the farmer's wife. He was a pleasant lad, embarrassed and ashamed by the situation in which he found himself and fortunately his parents, who were present, were sensible people. There was no doubt as to the motives and no doubt that there would be no repetition. This went into my report, the Police Authority agreed that no useful purpose would be achieved by prosecution, and the matter was dropped. Undoubtedly tactful and sympathetic management in these cases is of great importance in the avoidance

of subsequent difficult emotional and psychological problems.

The second, fairly common, group are men and women of normal sexual inclinations who, because of circumstances or environment are denied their normal sexual activities and take temporary solace with an animal.

Thirdly there are the sexually perverted to whom bestiality is but one of many diverse sexual activities. Such a case occurred in my practice shortly after I became a Police Surgeon. It was a particularly nasty case of rape where the rapist had committed the offence at gun point. His legal advisers requested a psychiatric report, a copy of which was sent to me. The relevant part ran, " Mr. C. has had sexual relations with men, women, boys, girls, himself and chickens, and on one occasion unsuccessfully chased a sheep ".

Finally, there is a group, numbers unknown but probably rare, of people who are only able to find sexual satisfaction with an animal —often one particular animal.

As to the animals involved—they are many and varied. Glaister (10) reports four cases in which convictions were obtained: they involved fowls, ducks, a cow and a goat. Dogs, cats, sheep and horses have also been reported.

The Role of the Police Surgeon

Proof of the offence usually comes from an eye-witness but the Police Surgeon may be called upon to provide corroborative evidence and in this the principle is the same as in other sexual offences—the search for trace evidence. Professor Mant(11) in his textbook suggests that the examination will involve not only the accused person but also the partner, i.e. the animal involved. This seems to me not to be the case. As I understand it, only a qualified veterinary surgeon is permitted by law to treat animals and it seems reasonable to suppose that the same would apply to the type of examination necessary in a suspected case of bestiality. No doubt, however, the veterinary surgeon would appreciate assistance and advice from the Police Surgeon—which no doubt he would supply from a safe distance.

The examination of and the taking of samples from the accused does not differ from the procedure in other sexual offences. A careful examination of the clothing and of the body is carried out, looking for injuries and for trace evidence. The finding of animal hairs on the body will be valuable evidence but it must be remembered that for this to have any significance they must be found on the inner clothing or on the body, for example, under the foreskin. Traces found on the outer clothing or on parts of the body normally exposed may have been acquired during normal contact. If the animal has been injured any blood stains on the accused or on his clothing will be examined to establish whether it is animal blood. Swabs should be taken from around the penis of the accused—these may give sufficient precipitin reactions. Any seminal fluid found on the animal or on the accused will be retained for examination, investigation and differentation of spermatozoa. Finally one should remember that although the examination by the Police Surgeon ends with the collection of the specimen, as a doctor he still has the responsibility of helping to cope with the human problems involved.

Conclusions

Bestiality is probably common but rarely comes to light and even more rarely does it come to court. It has recently been suggested that incest should cease to be a separate offence. This is arguable but there must be a strong case for the abolition of bestiality as a separate offence and for those cases which justify prosecution to be dealt with under the Cruelty to Animals Acts—perhaps with some reconsideration of penalties in view of the disparity in maximum sentence—life for bestiality —three months for cruelty.

The role of the Police Surgeon is limited, but he has a responsibility

not only as an expert in forensic medicine but also as an experienced practitioner who can assist the law in dealing with sympathy and understanding with those cases where mishandling may lead to disastrous emotional and psychological long-term effects.

Finally, one might well sum up in the words of one Police Officer whose views I sought. They were

> "Sadism, necrophilia, bestiality? It all adds up to one thing—'Flogging a dead horse'".

References:

1. R. *v.* Bourne 1952 36 Cr. App. R125.
2. Cameron J. M. Medicine Science and the Law 10.10
3. Leviticus XX vv 15-16
4. Leviticus XVIII. 23
5. Exodus XXII v. 19
6. Kethaboth 65c Yebamoth 59b Sanhedru 2a 15a 53a 55c. Abodah Zarab 22b-23a
7. Lewington, Frances—personal communication
8. Kinsey et al. Sexual Behaviour in the Humal Male 1948
9. Kinsey et al. Sexual Behaviour in the Human Female 1953
10. Glaister 1973 p. 457
11. Mant 1960 p. 257

ADDENDUM

I am grateful to Dr. Hunt of North Devon for pointing out to me that it is not, in fact, illegal for a Medical Practitioner to deal with animals, only that he must not accept a fee for doing so. However, I am still quite sure that it would be wise to call upon the services of a veterinary surgeon for the examination of animals in these cases.